



08-01-05

Hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EL 913 977 488 US, in an envelope addressed to: MS 313(c), Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 29, 2005

Signature: 

(Brian C. Trinkle, Ph.D.)

Docket No.: BBI-6026CPCN
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Wilhelm Amberg *et al.*

Allowed: November 3, 2004

Application No.: 09/757142

Confirmation No.: 6617

Filed: January 9, 2001

Art Unit: 1639

For: Antineoplastic Peptides

Examiner: B. M. Celsa

**PETITION TO WITHDRAW APPLICATION FROM
ISSUE PURSUANT TO 37 CFR 1.313(c)(3)**

Mail Stop 313(c)
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner hereby petitions the Commissioner to withdraw the above-identified application from issue. The Issue Fee in this application was timely paid on February 3, 2005.

Petitioner respectfully petitions that the above-identified application be withdrawn from issue in favor of U.S. Divisional Application No. 11/179,074, filed on July 11, 2005. A Request for Express Abandonment is being filed concurrently herewith.

Please charge our Deposit Account No. 12-0080 in the amount of **\$130.00** covering the fee set forth in 37 CFR 1.17(h). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper

08/02/2005 TBESHAH1 00000024 120080 09757142

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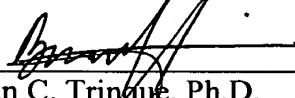
Application No.: 09/757142

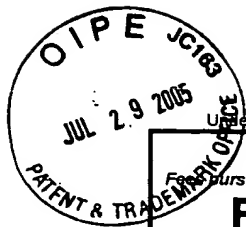
Docket No.: BBI-6026CPCN

hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. BBI-6026CPCN.

Dated: **July 29, 2005**

Respectfully submitted,

By 
Brian C. Tringale, Ph.D.
Registration No.: 56,593
LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
(617) 227-7400
(617) 742-4214 (Fax)
Agent for Applicants



Effective on 12/08/2004. Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL For FY 2005		Application Number	09/757142-Conf. #6617
		Filing Date	January 9, 2001
		First Named Inventor	Wilhelm AMBERG
		Examiner Name	B. M. Celsa
		Art Unit	1639
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Attorney Docket No.	BBI-6026CPCN	
TOTAL AMOUNT OF PAYMENT		(\$)	130.00

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 12-0080 Deposit Account Name: Lahive & Cockfield, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)** **Multiple Dependent Claims**

_____ - = _____ x _____ = _____ **Fee (\$)** **Fee Paid (\$)**

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

_____ - = _____ x _____ = _____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/50	_____ (round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): <u>1464 Petitions to the Director not specifically ...</u>	<u>130.00</u>

SUBMITTED BY			
Signature		Registration No. (Attorney/Agent)	56,593
Name (Print/Type)	Brian C. Trinqué, Ph.D.	Telephone	(617) 227-7400
		Date	July 29, 2005

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